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February 12, 2020

The Honorable Allyn R. Ross
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Express Freight Systems, Inc. v. YMB Enterprises, Inc., et al.
Case No. 20-cv-00186 (ARR) (LB)**

Dear Judge Ross:

We represent plaintiff Express Freight Systems, Inc. ("Plaintiff") in the above action. Pursuant to the Court's February 4, 2020 Order, please accept this letter as Plaintiff's response to the defendants' request for a pre-motion conference.

Initially we note that simultaneously with the filing of this letter, Plaintiff is filing a Notice of Dismissal Without Prejudice of Counts Two through Ten of the Complaint, leaving Count One, Plaintiff's breach of contract claim, as its sole, remaining claim against defendant YMB Enterprises, Inc. ("YMB"). Be that as it may, the only remaining issue raised in the defendants' pre-motion letter is the claimed lack of jurisdiction over YMB. In particular, the defendants suggest that YMB was not properly served with process. However, YMB was served with an original Summons and a copy of the Complaint by virtue of such documents being personally served on YMB's agent, one Zevy Katz, on May 9, 2019, at 563 Flushing Avenue, Brooklyn, New York, which YMB advertises as its primary location.

Furthermore, YMB acknowledged service of process and in doing so waived any right to contest it now. In fact, the undersigned received an email from the defendant's prior counsel who had initially represented the defendants in this action, Timothy Frey, Esq., dated May 20, 2019. In that email Mr. Frey indicated that his firm was representing the defendants and he acknowledged that the defendants were served with process, stating, "It is our understanding that the Defendants were served with process on May 9, 2019." Mr. Frey further calculated the deadline for the defendants to file a responsive pleading using the May 9, 2019 date as the date of service, and requested an extension of time to file same, which the undersigned granted based,

February 12, 2020

Page 2 of 2

in part, on Mr. Frey's acknowledgment and representation that the defendants were served with process.

No further attempts to serve the defendants were undertaken as a result of Mr. Frey's acknowledgment of service. Any attempt by the defendants to now claim that service was not made on YMB would not only be incorrect, but it would be disingenuous and would undermine the trust and good faith that is expected between attorneys.

Respectfully submitted,

FEITLIN, YOUNGMAN, KARAS &
GERSON, L.L.C.

/S/ Jonathan Ettman
Jonathan M. Ettman, Esq.

cc: Levi Huebner, Esq. (via email)
Express Freight Systems, Inc. (via email)